

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

| | | |
|-----------------------------|---|---------------------------|
| KENITH BURDETT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | |
| |) | |
| BANK ONE, N.A., CHARTER ONE |) | CASE NO.: 2:05-cv-499-DRB |
| BANK, N.A., LUANNE MIXON, |) | |
| KEITH MIXON, et al., |) | |
| |) | |
| Defendants. |) | |

MOTION TO STAY ENFORCEMENT OF
FEDERAL RULES OF CIVIL PROCEDURE

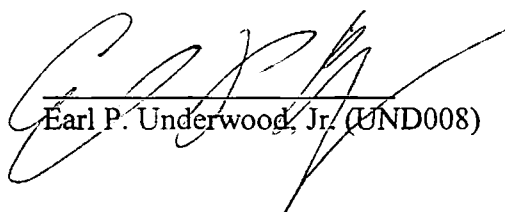
COMES NOW the Plaintiff, KENITH BURDETT, on behalf of himself and moves this Honorable Court to stay the implementation and enforcement of the Federal Rules of Civil Procedure in the above styled and numbered cause of action. As grounds in support of this motion the Plaintiff states as follows:

1. This action was originally filed in the Circuit Court of Barbour County, Alabama.
2. Simultaneously herewith, the Plaintiff has filed a substantive Motion to Remand arguing that this case was improvidently removed and that no federal jurisdiction exists. Plaintiff's complaint arises solely and exclusively under the laws of the State of Alabama and arises out of violation, not of any federal law, but of Alabama common law.
3. No prejudice will result to any party by the granting of the stay, and conversely, inasmuch as the Plaintiff strongly contends his motion to remand is due to be granted it is inappropriate for the case to continue under the Federal Rules.

Noted

Wherefore, premises considered, the Plaintiff respectfully moves the court to stay enforcement of the applicable Federal and local rules pending a resolution of the issue of remand, and for such other relief as may be appropriate.

DATED this 7th day of June, 2005.



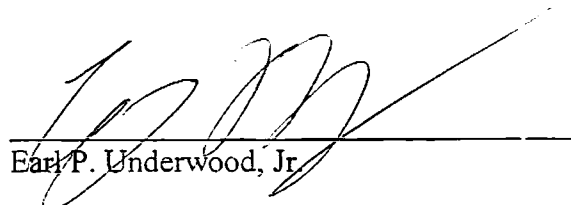
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CERTIFICATE OF SERVICE

I hereby certify that on June 7th, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

| | |
|-------------------------|---|
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